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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,276	10/02/2001	Akira Nonaka	9798423-0006	5130

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EXAMINER

COBY, FRANTZ

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 09/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/856,276

Applicant(s)

NONAKA ET AL.

Examiner

Frantz Coby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,71,140,141,287 and 288 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,71,140,141,287 and 288 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |



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This is in response to Applicant's amendment filed on June 20, 2005 in which claims 1, - 2, 4, 71 and 140-141 were amended; claims 287-288 were added and claims 6-70, 72-139 and 141-286 were canceled.

Status of Claims

Claims 1-5, 71, 140-141 and 287-288 are pending.

Response to Arguments

Applicant's arguments filed on the aforementioned date have been fully considered but they are not persuasive. Therefore the rejection of claims 1-5, 71 and 140-141 mailed on February 16, 2005 under sections 102 and 103 remains.

The Applicant argued that Linehan et al. neither discloses nor suggests the claimed limitations of "the management apparatus prepares a key file storing encrypted content key data and encrypted usage control policy data indicating a content of rights such as usage permission conditions of said content data" as amended in pending claims. The Examiner, on the other hand, disagrees with the preceding argument because it is clear that Linehan provides an automated management system for managing keys to encrypt and decrypt stored data on the computing system. In addition, Linehan provides a mechanism showing the organization of file headers used with key archives that primarily incorporates an access control list (See Linehan et al. Figure 8). The access control list primarily indicates content of rights including usage

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permission conditions of content data because the access control list includes list of users permitted to access the file (See Linehan et al. Col. 8, lines 57-65). Therefore, the claimed feature of usage control policy data indicating a content of rights is clearly taught by Linehan et al.

The rejection of the pending claims is shown below:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 71, 140, and 287-288 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Linehan et al. U.S. Patent no. 5,495,533.

As per claim 1, Linehan et al. disclose "a data providing system for distributing content data from a data providing apparatus to a data processing apparatus and managing data providing apparatus and said data processing apparatus by a management apparatus" by providing a computing system having an automated management system for managing keys to encrypt and decrypt stored data on the computing system (See Linehan et al. Abstract', Figure 1, Col. 2, lines 25-35). In

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particular, Linehan et al. disclose the claimed limitations of "said management apparatus prepares a key file storing encrypted content key data and encrypted usage control policy data indicating a content of rights such as usage permission conditions of said content data" as a file header used with the Personal Key Archive (See Linehan et al. Figure 8) wherein the access control list in Figure 8 of Linehan et al. primarily indicates content of rights including usage permission conditions of content data. Also, Linehan et al. disclose the claimed feature of "said data providing apparatus provides said content data encrypted by using said content key data" (See Linehan et al. Col. 6, line 8-Col. 7, line 59). Last, Linehan et al. disclose the claimed features of "said data processing apparatus decrypts said content key data and said usage control policy data stored in said key file and determines the handling of said content data based on the related decrypted usage control policy data" (See Linehan et al. Col. 7, lines 60-64).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1 above. Claim 2 is at least rejected for its dependencies on the rejected claim 1 above. In addition Linehan et al. disclose the claimed feature of 'wherein said management apparatus adds signature data for verification to the key file' through an authentication server (See Linehan et al. Abstract', Figure 3, component 20*, Figure 4, component 34, Figure 5, component 34, Figure 6, component 66 and Figure 7 component 75*, Col. 3, lines 10-37).

As per claim 3, most of the limitations of this claim have been noted in the rejection of claim 1 above. Claim 3 is at least rejected for its dependencies on the rejected claim 1 above. In addition, Linehan et al. disclose the claimed feature of "wherein said data processing apparatus prepares a content file storing the content data and provide the content file to the data processing apparatus" (See Linehan et al. Col. 4, line 60-Col. 5, line 38, Col. 6, line 8-Col. 7, line 5).

As per claim 4, most of the limitations of this claim have been noted in the rejection of claim 3 above. Claim 4 is at least rejected for its dependencies on the rejected claim 3 above. In addition Linehan et al. disclose the claimed feature of "wherein said management apparatus adds signature data for verification to the content file" through an authentication server (See Linehan et al. Abstract, Figure 3, component 20, Figure 4, component 34, Figure 5, component 34, Figure 6, component 66 and Figure 7 component 75; Col. 3, lines 10-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 5 and 141 are rejected under 35 U.S.C. 103(a) as being unpatentable over Linehan et al. U.S. Patent no. 5,495,533 in view of Kravitz et al. U.S. Patent no. 6,738,905.

As per claims 5 and 141, most of the limitations of these claims have been noted in the rejection of claim 1 above.

It is noted, however, Linehan et al. did not specifically detail the aspects of "determines at least one of purchase and the usage form of the distributed content data" and "performs profit distribution processing for distributing the profit obtaining along with the purchase and usage of the content data" as recited in the instant claim 5. On the other hand, Kravitz et al. achieved the aforementioned claimed limitations by allowing a user to receive a package of content form a service provider as well as individual programs of content from the service provider, distributing encrypted content and decrypting the content, the encrypted content includes the fee the subscriber should 'be charged (See Kravitz Abstract', Col. 9, lines 27-67).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system for managing keys disclose by Linehan et al. by incorporating the mechanism storing fees disclosed by Kravitz et al. The motivation being to allow a subscriber to obtain access to individual programs where the subscriber is only charged for the programs that have been accessed (See Kravitz et al. Col. 1, lines 11-15).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz Coby whose telephone number is 571 272 4017. The examiner can normally be reached on Monday-Saturday 3:00PM-10:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571 272 4023. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


FRANTZ COBY
PRIMARY EXAMINER

September 18, 2005